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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,276	06/07/2006	Michael D. Brockel	306436	4797

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Kelly S.K. Elsea
Intellectual Property Counsel
for The Coleman Company, Inc.
3600 N. Hydraulic
Wichita, KS 67219

EXAMINER

PAYNE, SHARON E

ART UNIT	PAPER NUMBER
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2875

MAIL DATE	DELIVERY MODE
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05/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,276

Applicant(s)

BROCKEL ET AL.

Examiner

Sharon E. Payne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-26 is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 17-21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date (507, 0606, 0606, 1006)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry (U.S. Patent 3,539,798) in view of Schaller et al. (U.S. Patent 5,424,927).

Regarding claim 1, Perry discloses a light source (14), an elliptical reflector for broadcasting a beam from the light source (Fig. 2) and housing an outer rim (Fig. 1, see portion outside the reflector), the outer rim of the elliptical reflector being curved (see holding ring 22) and a curved lens mounted along the outer rim of the reflector (Fig. 1). Perry does not specifically disclose a power source.

Schaller et al. discloses a power source for powering the light source (Fig. 10, see batteries on the left).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Schaller in the apparatus of Perry to provide power to the apparatus.

Concerning claim 6, Perry discloses a flashlight (abstract).

Regarding claim 7, Perry discloses the flashlight being configured to be supported upright on a surface with an outer portion of the flashlight adjacent the reflector engaging surface (Fig. 1, see flat portion of the flashlight on the far right).

Concerning claim 8, Perry does not disclose protrusions. Schaller discloses protrusions for engaging the surface (Fig. 17A, far right).

Regarding claim 9, Perry discloses a top wall of the reflector being downwardly concave relative to the interior of the reflector (Fig. 2, top left), and the lower wall is upwardly concave relative to the interior (Fig. 2, bottom left).

3. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry in view of Schaller as applied to claim 1 above, and further in view of Woodward (U.S. Patent 6,488,395).

Regarding claim 2, Perry and Schaller do not disclose a reflector arranged to produce a flood beam and a concentrated beam. Woodward discloses the reflector being configured and arranged to provide a small, concentrated beam of light and an outer, elliptical flood beam (Fig. 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Woodward in the apparatus of Perry and Schaller to produce a light beam for one to drive a car in the dark. See Fig. 22 of Woodward.

Concerning claim 4, Perry and Schaller do not specifically disclose a primary beam and a downward-directed additional beam. Woodward discloses the reflector being configured and arranged to provide a light pattern in which a primary beam of light is

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directed straight out from the reflector (Fig. 22, see middle beam) and additional light is directed more downward from the reflector than upward (Fig. 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Woodward in the apparatus of Perry and Schaller to produce a light beam for one to drive a car in the dark. See Fig. 22 of Woodward.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perry in view of Schaller as applied to claim 1 above, and further in view of Ikeda (JP 06028906).

Regarding claim 3, Perry and Schaller do not disclose a leading edge that extends out further than the side portion. Ikeda discloses the reflector comprising a leading edge having a central portion that extends out further than the side portions (figure on the cover).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Ikeda in the apparatus of Perry and Schaller to conform the light to the vehicles body. See the figure on the cover of Ikeda.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perry in view of Schaller and Woodward as applied to claim 4 above, and further in view of Caughlan (U.S. Patent 1,577,352).

Regarding claim 5, Perry, Schaller and Woodward do not disclose the lower wall of the reflector extending downward more than the top wall. Caughlan discloses the lower wall of the reflector extending downward more than a top wall so as to allow a portion of the light to be directed downward (Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration Caughlan in the apparatus of Perry, Schaller and Woodward to prevent glare. See Fig. 2 of Caughlan.

6. Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry in view of Schaller and Sedovic (U.S. Patent 6,048,084).

Regarding claim 10, Perry discloses a light source (14), an elliptical reflector for broadcasting a beam from the light source (Fig. 2) and housing an outer rim (Fig. 1, see portion outside the reflector), the outer rim of the elliptical reflector being curved (see holding ring 22) and a curved lens mounted on the reflector (Fig. 1), a top wall of the reflector

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being downwardly concave relative to the interior of the reflector (Fig. 2, top left), and the lower wall is upwardly concave relative to the interior (Fig. 2, bottom left). Perry does not specifically disclose a power source or the left wall and the right wall being shaped as a curve outwardly convex to the interior.

Schaller et al. discloses a power source for powering the light source (Fig. 10, see batteries on the left).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Schaller in the apparatus of Perry to provide power to the apparatus.

Sedovic discloses the left wall and the right wall being shaped as a curve outwardly convex to the interior (Fig. 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Sedovic in the apparatus of Perry to make a beam appropriate for a flood light. See the abstract of Sedovic.

Concerning claim 11, Perry discloses an upper wall and a lower wall being spaced so as to constrain light emanating from the reflector in a first dimension (Fig. 2). Perry and Schaller do not disclose the left and right wall being spaced and arranged to broadcast light.

Sedovic discloses the left wall and the right wall being spaced and arranged so as to broadcast light emanating from the reflector in a second dimension (Fig. 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Sedovic in the apparatus of Perry and Schaller to make a beam appropriate for a flood light. See the abstract of Sedovic.

Concerning claim 12, Perry discloses the first dimension to be vertical (Fig. 2). Perry does not disclose the second dimension to be horizontal. Sedovic discloses the second dimension to be horizontal (Fig. 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Sedovic in the apparatus of Perry and Schaller to make a beam appropriate for a flood light. See the abstract of Sedovic.

Regarding claim 13, Perry a light source (14), an elliptical reflector for broadcasting a beam from the light source (Fig. 2) and housing an outer rim (Fig. 1, see portion outside the reflector), the elliptical reflector being curved (Fig. 2) and a curved lens mounted on the reflector (Fig. 1) an upper wall and a lower wall being spaced so as to constrain light emanating from the reflector in a first dimension (Fig.

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2)., Perry does not specifically disclose a power source or the left wall and the right wall being shaped to broadcast light.

Schaller et al. discloses a power source for powering the light source (Fig. 10, see batteries on the left).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Schaller in the apparatus of Perry to provide power to the apparatus.

Sedovic discloses the left wall and the right wall being spaced and arranged so as to broadcast light emanating from the reflector in a second dimension (Fig. 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Sedovic in the apparatus of Perry and Schaller to make a beam appropriate for a flood light. See the abstract of Sedovic.

Perry, Schaller and Sedovic do not specifically disclose the left and right wall being spaced and arranged to broadcast light at least 140 degrees. Making the reflector such that it broadcasts light at least 140 degrees involves changing the shape of the reflector and is seen as an obvious variation. Since a reflector that broadcasts light in a second dimension is well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

make the reflector broadcast light at least 140 degrees to illuminate the edges of the viewing field, since changes in shape involve only routine skill in the art. See MPEP 2144.04.

Concerning claim 14, Perry, Schaller and Sedovic do not specifically disclose the left and right wall being spaced and arranged to broadcast light at least 160 degrees. Making the reflector such that it broadcasts light at least 160 degrees involves changing the shape of the reflector and is seen as an obvious variation. Since a reflector that broadcasts light in a second dimension is well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the reflector broadcast light at least 160 degrees to illuminate the edges of the viewing field, since changes in shape involve only routine skill in the art. See MPEP 2144.04.

Concerning claim 15, Perry, Schaller and Sedovic do not specifically disclose the left and right wall being spaced and arranged to broadcast light at least 180 degrees. Making the reflector such that it broadcasts light at least 160 degrees involves changing the shape of the reflector and is seen as an obvious variation. Since a reflector that broadcasts light in a second dimension is well known in the art, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to make the reflector broadcast light at least 180 degrees to illuminate the edges of the viewing field, since changes in shape involve only routine skill in the art. See MPEP 2144.04.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perry in view of Schaller and Sedovic as applied to claim 11 above, and further in view of Ikeda.

Regarding claim 16, Perry discloses a light source in the elliptical reflector (Fig. 2), and an axis extending through the elliptical reflector and aligned along a direction of light emanating from the light source out of the elliptical reflector (Fig. 2). Perry, Schaller and Sedovic do not disclose the outer leading edges of the left and right walls being set back in a direction parallel with the axis.

Ikeda discloses the outer leading edges of the left and right walls being set back in a direction parallel with the axis and toward the light source more than outer leading edges of the upper and lower walls (figure on cover).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Ikeda in the apparatus of Perry and Schaller to conform the

light to the vehicles body. See the figure on the cover of Ikeda.

Allowable Subject Matter

7. Claims 17-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 22-26 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter. The prior art fails to disclose the right and left walls having a concave cupped inner surface extending from the light source outward and at least a portion of which does not extend to the outer edges of the upper and lower walls as recited in claims 17 and 22.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be

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reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sharon E. Payne/
Primary Examiner, Art Unit 2875

